



~~November 16, 2006 CPC~~  
~~February 20, 2007 CPC~~  
~~April 17, 2007 CPC~~  
~~June 19, 2007 CPC~~  
~~August 21, 2007 CPC~~  
October 16, 2007 CPC

STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

06SN0220

Brookstone Builders

Dale Magisterial District  
Jacobs Elementary; Manchester Middle; and Clover Hill High Schools Attendance Zones  
North line of Jacobs Road

- REQUESTS: I. Rezoning from Agricultural (A) and Residential (R-12) to Residential (R-15).
- II. Relief from street access requirements to allow up to sixty-two (62) lots on one (1) access.
- III. Waiver to street connectivity requirements to Land Grant Drive, Newby's Wood Trail, Barefoot Trail and Quail Ridge Road.

PROPOSED LAND USE:

A single family residential development with a minimum lot size of 15,000 square feet is planned. The applicant has agreed to limit development to 230 dwelling units, yielding a density of approximately 1.2 dwelling units per acre. Relief is requested to permit up to sixty-two (62) lots off of one (1) access whereas the Ordinance permits a maximum of fifty (50) lots off one (1) access. Also, waiver to street connectivity requirements to certain streets in Fernbrook and Newby's Wood Subdivisions.

RECOMMENDATION

Request I: Recommend denial of the rezoning for the following reason:

While the Central Area Plan suggests the property is appropriate for residential use of 1.0 to 2.5 dwelling units per acre, the application fails to address the traffic impact of this request on area roads, as discussed herein. Further, the land

dedication component of the cash proffer potentially fails to adequately address the impacts on Parks and Recreation facilities.

Request II: Recommend denial of the relief from street access requirements to allow sixty-two (62) lots off of one (1) access for the following reasons:

- A. The accessibility to and from the development in an emergency situation, should access be blocked, will be restricted thereby adversely affecting the health, safety and welfare of citizens in the development.
- B. The request fails to meet the Ordinance criteria under which relief should be granted.

Request III: Recommend denial of the waiver to street connectivity requirement to Land Grant Drive, Newby's Wood Trail, Barefoot Trail and Quail Ridge Road for the following reason:

The evaluation of the Policy criteria for granting such relief necessitates design details that can best be provided through the subdivision review process.

(NOTE: SHOULD THIS WAIVER BE DENIED, PROFFERS SHOULD BE OFFERED REGARDING SIMILAR LOT SIZE AND DENSITY SHOULD THERE BE ANY SOLE ACCESS THROUGH ADJACENT DEVELOPMENTS.)

- (NOTES:
- A. THE ONLY CONDITION THAT MAY BE IMPOSED IS A BUFFER CONDITION. THE PROPERTY OWNER(S) MAY PROFFER CONDITIONS.
  - B. IT SHOULD BE NOTED THAT AMENDMENTS TO THE PROFFERED CONDITIONS WERE NOT RECEIVED AT LEAST THIRTY (30) DAYS PRIOR TO THE COMMISSION'S PUBLIC HEARING PER THE "SUGGESTED PRACTICES AND PROCEDURES". THE "PROCEDURES" SUGGEST THAT THE CASE SHOULD BE DEFERRED IF REPRESENTATIVES FROM THE AFFECTED NEIGHBORHOOD(S), STAFF AND THE COMMISSIONERS HAVE NOT HAD SUFFICIENT TIME TO EVALUATE THE AMENDMENTS. STAFF HAS HAD AN OPPORTUNITY TO THOROUGHLY REVIEW THESE AMENDMENTS.)

#### PROFFERED CONDITIONS

1. Utilities. Public water and wastewater systems shall be used. (U)
2. Master Plan. The location of roads and the relationship of Tracts-shall generally be in accordance with Exhibit "A" prepared by Balzer & Associates Inc. and

dated June 15, 2006 and revised May 18, 2007. Any substantial adjustment to Exhibit A shall be submitted to the Planning Commission for review and approval. Such plan shall be subject to appeal in accordance with the provisions of the Zoning Ordinance for Site Plan appeals. (P)

(Staff Note: This condition applies only to the property which is not included in this request and not property shown on the plan which is not included in this request. Therefore, this development cannot occur until such time as one of these two options are obtained.)

3. Impacts on Capital Facilities.

A. The applicant, subdivider, or assignee(s) shall pay to the County of Chesterfield prior to the time of issuance of a building permit for each dwelling unit, the following amounts for infrastructure improvements (excluding the road component) within the service district for the property:

A. If payment is made prior to July 1, 2007, \$6,685.00 per dwelling unit. At time of payment \$6,685.00 will be allocated pro-rata among the facility costs as follows: \$602.00 for parks and recreation, \$348.00 for library facilities, \$5,331.00 for schools, and \$404.00 for fire stations; or

B. If payment is made after June 30, 2007, the amount approved by the Board of Supervisors not to exceed \$6,685.00 per dwelling unit pro-rated as set forth in Proffered Condition 3.A.i. above and adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006, and July 1 of the fiscal year in which the payment is made.

B. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.

C. At the option of the Parks and Recreation Department the cash proffer payment above may be reduced by an amount not to exceed the amount that would be paid in cash proffers for the parks and recreation component for any land dedication to the county by the applicant, subdivider, or assignee(s), as determined by the Parks and Recreation Department.

(Staff Note: Should the land dedication option be chosen, such land area will be subject to the site selection process and Substantial Accord Determination.)

D. Should any impact fees be imposed by Chesterfield County at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not

be in addition to, any impact fees, in a manner determined by the County (B&M)

4. Density. The maximum density of this development shall not exceed a cumulative total of two hundred forty (240) lots. Tract A shall be limited to one hundred ninety five (195) lots and Tract B shall be limited to forty five (45) lots. (P)
5. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
6. Construction Traffic. Construction traffic for the initial development shall be limited to Existing Jacobs Road and Jacobs Road Extended and shall be further limited on Existing Jacobs Road from entering and exiting the site between the hours of 7:45 a.m. and 8:45 a.m. and 2:15 p.m. and 3:15 p.m. on days of the regular school year. (P)

Note: This prohibits the use of any subdivision street, including Fordham Road, for the initial construction access.

7. Access.
  - A. Direct access shall be prohibited from the subject property to Falling Creek Farms and Gregory's Charter Subdivisions.
  - B. There shall be no direct vehicular access to Land Grant Drive, Barefoot Trail, and Newbys Wood Trail.
  - C. No lots shall have sole access to Double Tree Lane.
  - D. A maximum of one (1) lot, with a minimum lot size of 55,039 gross square feet, shall be permitted to have access to Quail Ridge Road. (P)
8. Dedication. In conjunction with recordation of the initial subdivision plat a sixty (60) foot wide right-of-way for an east/west residential collector ("Jacobs Road Extended") from the eastern property line to the western property line shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The exact location of this right-of-way shall be approved by the Transportation Department. (T)
9. On-Site Road Improvements. To provide an adequate roadway system, the developer shall provide the following road improvements with the development of the property:

- A. Demolition of the pavement section of Fordham Road located between the bus loop entrance/exits;
  - B. Construction of a traffic island/circle or other alternative traffic calming device in Jacobs Road Extended if approved by the Transportation Department and VDOT. The location and design shall be determined at time of tentative subdivision review;
  - C. Construction of two (2) lanes of Jacobs Road Extended, to VDOT Urban Collector Standards (40 mph) with modifications approved by the Transportation Department, from the intersection of Jacobs Road and existing Fordham Road through the property to the western property line. The portion of Jacobs Road Extended immediately adjacent to Tax ID 755-682-5559 shall be located as far north as practical. The exact length and location of this improvement shall be approved by the Transportation Department;
  - D. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire any “off-site” right-of-way that is necessary for any improvement described in Proffered Condition 9, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the “off-site” right-of-way, the developer shall be relieved of the obligation to acquire the “off-site” right-of-way and shall provide the road improvements within available right-of-way, as determined by the Transportation Department. (T)
10. Off-Site Road Improvements. Prior to the recordation of any lots, construction plans (the “Plans”) for a two (2) lane extension of Jacobs Road, designed to VDOT Urban Collector (40 mph) standards with any modifications approved by the Transportation Department, from the western property line to Courthouse Road at the Genito Road intersection, shall be submitted to and approved by the Transportation Department. The Plans shall include a northbound right turn lane along Courthouse Road at Genito Road, a three (3) lane typical section at the Courthouse Road intersection, and any required modifications to the existing traffic signal. In conjunction with recordation of the initial subdivision plat, the developer shall dedicate, free and unrestricted, to and for the benefit of Chesterfield County, the right of way (or easements) shown on the approved Plans and submit a surety, in an amount and form acceptable to the Transportation Department, for construction of the improvements shown on the approved Plans. Construction of the improvements shown on the approved Plans shall be

completed, as determined by the Transportation Department, prior to the issuance of the fifty first building permit. (T)

(Staff Note: Off-site construction of Jacobs Road Extended will require either rezoning and tentative subdivision approval or substantial determination of property not included in this request.)

11. Phasing Plan. Prior to any construction plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 9, shall be submitted to and approved by the Transportation Department. (T)
12. Prohibited Uses.
  - A. Manufactured homes shall not be permitted.
  - B. Family daycare homes (providing care to more than five (5) children) and group home care facilities shall not be permitted. (P)
13. Restrictive Covenants. The following shall be recorded as restrictive covenants in conjunction with the recordation of any subdivision plat:
  - A. No manufactured homes, as defined by the Code of Virginia, shall be allowed to become a residence, temporary or permanent.
  - B. No family daycare homes (providing care to more than five (5) children) or group care facilities, as defined by the Chesterfield County Code, shall be permitted in any dwelling unit.
  - C. Driveways. All driveways shall be hardscaped. (P)
14. Minimum Dwelling Size. The minimum gross floor area for one story dwelling units shall be 2000 square feet and dwelling units with more than one story shall have a minimum gross floor area of 2300 square feet. (BI & P)
15. Foundations. All exposed portions of the foundation of each new dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (BI & P)
16. Tree Preservation. A twenty (20) foot tree preservation strip, exclusive of required yards, shall be maintained along the boundary of Tract A adjacent to Newbys Wood, Falling Creek Farms and Gregory's Charter Subdivisions. Utility easements shall be permitted to cross this strip in a perpendicular fashion. Any healthy trees that are eight (8) inches in caliper or greater shall be retained within this tree preservation strip except where removal is necessary to accommodate the improvements permitted by the preceding sentence. (P)
17. Trail. The developer shall provide a pedestrian trail connection to Fernbrook Park. The exact location, design and treatment shall be approved by the Parks and Recreation Department at the time of tentative subdivision plan review. The trail

shall be owned and maintained by the community homeowners' association.  
(P&R)

### GENERAL INFORMATION

#### Location:

North line of Jacobs Road, west line of Fordham Road, the southern termini of Double Tree Lane and Land Grant Drive and the western termini of Barefoot Trail and Quail Ridge Road. Tax IDs 753-680-Part of 5601; 753-684-4148; 754-681-5861; 755-683-7406; 756-683-5406; 757-682-0789 and 3089; and 757-683-1431 and 1912.

#### Existing Zoning:

A and R-12

#### Size:

188 acres

#### Existing Land Use:

Single family residential or vacant

#### Adjacent Zoning and Land Use:

North and West - R-15; Single family residential

South - A; Single family residential or vacant

East - R-15, R-12 and A; Single family residential or public/semi-public

### UTILITIES

#### Public Water System:

There is an eight (8) inch water line extending along Newbys Wood Trail that terminates adjacent to Jacobs Road, approximately 350 feet east of this site. In addition, an eight (8) inch water line extends along Double Tree Lane and terminates approximately 175 feet north of this site. Another possible point of access to public water is the existing eight (8) inch water line extending along Gregory Drive, 400 feet north of this site. An off-site easement will be required to connect to this line. Note should also be made of an existing thirty (30) inch water transmission line that extends across the request site north of Jacobs Road and across the northern most portion of this site. This line experiences a high variation in pressure depending upon the cycling of the pumps at the Anderson Water Pump Station, and will not be suitable to serve this development. Use of the public water system is intended. (Proffered Condition 1)

Per Utilities Department Design Specifications (DS-21), wherever possible, two (2) supply points shall be provided for subdivisions containing more than twenty-five (25) lots.

#### Public Wastewater System:

The public wastewater system is available to serve this site. A twenty-seven (27) inch wastewater trunk line extends along a tributary of Horners Run that crosses this site. The applicant has proffered to use the public wastewater system. (Proffered Condition 1)

### ENVIRONMENTAL

#### Drainage and Erosion:

The subject property drains to the north and east to perennial streams and then via tributaries to Falling Creek. There are no known on- or off- site drainage or erosion problems and none are anticipated after development. The property is currently wooded and, as such, should not be timbered without obtaining a land disturbance permit from the Department of Environmental Engineering (Proffered Condition 5). This will ensure that adequate erosion control measures are in place prior to any land disturbance.

#### Water Quality:

The two (2) perennial streams are subject to a 100 foot conservation area inside of which there are very limited uses. There are several additional streams on the property that exhibit signs of being perennial and, as such, a perenniality determination should be approved by the Department of Environmental Engineering Water Quality Section prior to submitting a tentative subdivision plan. The proposed Jacobs Road Extended should be located so as to minimize its impact on the adjacent Resource Protection Areas (RPA's) and wetlands.

### PUBLIC FACILITIES

The need for schools, parks, libraries, fire stations, and transportation facilities in this area is identified in the County's adopted Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program and further detailed by specific departments in the applicable sections of this "Request Analysis". This development will have an impact on these facilities.

#### Fire Service:

The Public Facilities Plan indicates that fire and emergency medical service (EMS) calls are expected to increase forty-four (44) to seventy-eight (78) percent by 2022. Six (6) new fire/rescue stations are recommended for construction by 2022 in the Plan. In addition to the six new stations, the Plan also recommends the expansion of five (5) existing stations. Based on 240 dwelling units, this request will generate approximately



twenty-seven (27) calls for fire and emergency medical service each year. The applicant has addressed the impact on fire and EMS. (Proffered Condition 3)

Fire Station, Number 24, and Manchester Volunteer Rescue Squad currently provide fire protection and emergency medical service. When the property is developed, the number of hydrants, quantity of water needed for fire protection, and access requirements will be evaluated during the plans review process.

To satisfy the requirement of Section 17-76 of the Subdivision Ordinance, when the cumulative total of homes in a proposed development exceeds fifty (50), a second public road access to all dwellings should be provided. This requirement is necessary to provide emergency vehicles a second access to the homes should the other entrance become blocked. The applicant has requested relief to this access requirement to allow up to sixty-two (62) lots off of one (1) choke point formed by the extension of Double Tree Lane and a proposed northwest road serving this development. The Ordinance states that relief can be granted by the Planning Commission for a maximum of sixty-two (62) lots at the time of zoning if a preliminary tentative plat is submitted with sufficient documentation that clearly demonstrates:

- A. Existing severe topographic, physical or extenuating circumstances exist so that there is no other practical means of providing another access; and
- B. Financial hardship is not the principal reason for the waiver; or
- C. Without granting relief to these requirements traffic on an existing local street will exceed the Planning Commission's Stub Road Policy as determined by the Director of Transportation.

The attached conceptual subdivision layout provided by the applicant does not demonstrate that any of these circumstances exist. The Fire Department opposes granting relief to the access requirements. It should be noted that the International Fire Code indicates that a second access should be provided when the number of lots served by a single access exceeds thirty (30).

The applicant has also requested not to make street connections to Land Grant Drive, Newby's Wood Trail, Barefoot Trail and Quail Ridge Road. In an emergency situation, these connections would benefit both the applicant's project and the surrounding developments. The Fire Department continues to support connectivity between subdivisions so that multiple access points are available to assist in an emergency response.

#### Schools:

Approximately 127 (Elementary: 55, Middle: 31, High: 41) students will be generated by this development. Currently, this site lies in the Jacobs Elementary School attendance zone: capacity - 733, enrollment - 675; Manchester Middle School zone: capacity -

1,340, enrollment - 1,628; and Clover Hill High School zone: capacity - 1,582, enrollment - 1,593. The enrollment is based on September 29, 2006 and the capacity is as of 2006-2007. There are currently twenty-three (23) trailers at Manchester Middle and eleven (11) trailers at Clover Hill High.

A portion of Henning Elementary, which includes Cascade Creek and Five Forks Village South Subdivisions, was moved to Jacobs Elementary to provide relief. The new Tomahawk Creek Middle School is scheduled to open in the fall of 2008. The new middle school will provide relief for schools in the area. This area of the county continues to experience growth and this school, will provide much needed space.

This case, combined with other tentative residential developments and zoning cases in the area, would continue to push these schools to capacity, especially at the secondary level. This case could necessitate some form of relief in the future. The applicant has addressed the impact of the development on schools. (Proffered Condition 3)

This request includes a proposal to close a portion of Fordham Road at the bus loop serving Jacobs Elementary School. This closing will permit busses traveling from the east to enter from Jacobs Road/Fordham Road, but not to travel north from that portion without utilizing the bus loop. Busses traveling from the north will also be able to enter the bus loop from Fordham road, but not be able to travel from Fordham Road to Jacobs Road without traveling through the bus loop. The School Administration has indicated they have no issues with this proposal.

#### Libraries:

Consistent with the Board of Supervisors' policy, the impact of development on library services is assess County-wide. Based on projected population growth, the Public Facilities Plan identifies a need for additional library space throughout the County.

Development of the property would most likely impact the existing La Prade Library, the existing Clover Hill Library or a proposed new branch in the Reams-Gordon area. A need for additional library space in this are of the County is identified in the Plan. The applicant has addressed the impact of the development on libraries. (Proffered Condition 3)

#### Parks and Recreation:

The Public Facilities Plan identifies the need for three (3) regional, seven (7) community and twenty-nine (29) neighborhood parks by 2020. In addition, there is currently a shortage of community and neighborhood park acreage in the county. The Public Facilities Plan identifies a need for 354 acres of regional park space, 252 acres of community park space and 199 acres of neighborhood park space by 2020. The Plan also identifies the need for linear parks and resource based-special purpose parks [historical, cultural and environmental] and makes suggestions for their locations. The Plan also addresses the need for addition of recreational facilities to include sports fields, trails,

playgrounds, court games, senior centers and picnicking area/shelters at existing parks to complete build-out. The Plan also identifies the need for water access and trails along the James and Appomattox Rivers and their major tributaries, Swift and Falling Creeks. Co-location with middle and elementary schools is desired. The applicant has offered measures to address the impact of this proposed development on the infrastructure needs of Parks and Recreation either through land dedication or payment of cash. (Proffered Condition 3)

As written, the proffer infers that regardless of the value of the land dedication, the parks and recreation component of the cash proffer would be fully credited. The proffer fails to insure that the impact on park facilities is fully address.

It should be noted that should Parks and Recreation agree to acceptance of land dedication in lieu of cash, it will be necessary for such dedication to be evaluated through the site selection process and obtain Substantial Accord Determination since such land area has not been specifically identified through this proposal.

The property is located adjacent to Fernbrook Park, a neighborhood park offering playground, picnic shelter, tennis courts and open play field. Pedestrian access to this type of facility is a development need. Proffered Condition 17 provides for a pedestrian trail connection.

#### Transportation:

Based on the maximum density proffered by the applicant, 240 lots, development of the property could generate approximately 2,300 average daily trips (ADT). The applicant has failed to address the traffic impact of this request on area roads; therefore, the Transportation Department does not support this request.

The applicant proposes to address the traffic impact of this request by proffering to construct off-site road improvements. Specifically, the applicant has proffered to construct an extension of Jacobs Road (“Jacobs Road Extended”) to Courthouse Road at the Genito Road intersection (Proffered Condition 10). This improvement was not included in the cash proffer calculations and will not provide significant relief to existing roads identified on the Thoroughfare Plan, such as Newbys Bridge Road, that have poor horizontal and vertical alignments, narrow pavement widths, and no shoulders. Newbys Bridge Road carried 5,908 ADT in 2006 and was at capacity (Level of Service E) based on the volume of traffic it carried during peak hours. Staff does not support the construction of Jacobs Road Extended in lieu of addressing the traffic impact of this development in accordance with the Board of Supervisors’ Cash Proffer Policy.

Primarily, the applicant has proffered to construct Jacobs Road Extended in order to address the traffic concerns of some residents that live on or near Fordham Road. These residents believe that this improvement will significantly reduce the potential of traffic increasing on Fordham Road, which is a subdivision street that connects two major arterials, Newbys Bridge Road and Hull Street Road (Route 360).

Staff disagrees that Jacobs Road Extended will provide significant relief to Fordham Road. The Transportation Department has analyzed the road network and traffic patterns in the area and feels that construction of Jacobs Road Extended would do little to mitigate the traffic on Fordham Road. Fordham Road provides a north/south connector between Newbys Bridge Road and Route 360. The proposed Jacobs Road Extended will connect Newbys Bridge Road and Courthouse Road. The intersection of Courthouse Road and Genito Road is approximately two (2) miles from the intersection of Fordham Road and Route 360. It is highly unlikely that drivers who currently use Fordham Road to reach Route 360 will travel an additional two (2) miles to reach their original destinations.

Construction of Jacobs Road Extended will require acquisition of substantial off-site right of way. Per Proffered Condition 10, this off-site right of way will need to be dedicated in conjunction with the initial subdivision plat. If the developer is unable to obtain the off-site right of way, Proffered Condition 10 does not permit any lots to be recorded. If the applicant acquires the agriculturally zoned land through which Jacobs Road Extended is planned, it will have to be rezoned and tentative subdivision plan approval obtained or determined to be substantially in accord with the County's Comprehensive Plan before the right of way can be dedicated.

The applicant has also proffered to construct Jacobs Road Extended through the property, demolish the existing section of Jacobs Road adjacent to the elementary school, and construct traffic calming on Jacobs Road Extended (Proffered Condition 9). The applicant proffered a Master Plan, shown as Exhibit A. Some of the lots shown on the Master Plan appear to be in violation of the Planning Commission's Stub Road Policy and should be redesigned or eliminated.

For the reasons stated above, the Transportation Department cannot support this request.

VDOT's "Chapter 527" regulations, dealing with development Traffic Impact Study requirements, have recently been enacted. Staff has been meeting with VDOT to attempt to understand the process and the impact of the regulations. At this time, it is uncertain what impact VDOT's regulations will have on the development process or upon zonings approved by the county.

Financial Impact on Capital Facilities:

		PER UNIT
Potential Number of New Dwelling Units	240*	1.00
Population Increase	652.80	2.72
Number of New Students		
Elementary	55.92	0.23
Middle	31.20	0.13
High	40.56	0.17
TOTAL	127.68	0.53
Net Cost for Schools	\$1,283,520	\$5,348
Net Cost for Parks	144,960	604
Net Cost for Libraries	83,760	349
Net Cost for Fire Stations	97,200	405
Average Net Cost for Roads	2,146,080	8,942
TOTAL NET COST	\$3,755,520	\$15,648

\*Based on a proffered maximum of 240 lots (Proffered Condition 4). The actual number of lots and the corresponding impact may vary.

As noted, this proposed development will have an impact on capital facilities. Staff has calculated the fiscal impact of every new dwelling unit on schools, roads, parks, libraries, and fire stations at \$15,648 per unit. The applicant has been advised that a maximum proffer of \$15,600 per unit would defray the cost of the capital facilities necessitated by this proposed development.

Consistent with the Board of Supervisors' policy, and proffers accepted from other applicants, the applicant has offered cash to assist in defraying the cost of this proposed zoning on schools, libraries, and fire stations (Proffered Condition 3). The applicant has further proffered to construct off-site road improvements to mitigate the impact of the development on transportation facilities and, at the county's option, land dedication and/or cash to mitigate the impact of the development on park facilities. The conditions offered to mitigate the development's impact on park facilities may not be adequate since the proffer fails to stipulate that the credit be based upon the value of the land dedicated. Proffered Condition 10 does not adequately mitigate the development's impact on roads, as referenced in the Transportation Department's report. Staff recommends that the applicant adequately address the proffered conditions that pertain to the development's impact on roads.

Note that circumstances relevant to this case, as presented by the applicant, have been reviewed and it has been determined that it is appropriate to accept the maximum cash proffer in this case.

The Planning Commission and Board of Supervisors, through their consideration of this request, may determine that there are unique circumstances relative to this request that may justify acceptance of proffers as offered for this case.

## LAND USE

### Comprehensive Plan:

Lies within the boundaries of the Central Area Plan which suggests the property is appropriate for residential use of 1.0 to 2.5 dwelling units per acre.

### Area Development Trends:

Area properties to the north, east and west are zoned Residential (R-12 and R-15) and are developed as part of the Fernbrook, Falling Creek Farms, Gregory's Charter and Newby's Wood Subdivisions, or are zoned Agricultural (A) and occupied by the Jacobs Elementary School or single family dwellings. Properties to the south are zoned Agricultural (A) and are occupied by single family dwellings. It is anticipated that any development of area properties will be for residential purposes consistent with densities recommended by the Plan.

### Site Design and Density:

As per the requirements of the Ordinance when seeking relief to provisions for second access, a conceptual subdivision layout has been submitted (Proffered Condition 2). Development of the property relative to the location of roads and the relationship of Tracts will be as generally shown on this layout.

The property is divided into two (2) tracts. Proffered Condition 4 limits the number of lots permitted in each tract, with the overall development limited to a maximum of 240 lots, yielding a density of approximately 1.3 lots per acre.

### Access Relative to Density and Lot Size:

Fernbrook and Newbys Wood Subdivisions, located north and east of, and adjacent to the subject property, were recorded with stub roads (Double Tree Lane, Newbys Wood Trail, Land Grant Drive, Barefoot Trail and Quail Ridge Road) to the limits of the subject property. Should these rights of way provide sole access to the subject property, density and average lot size compatibility with lots in Fernbrook and Newbys Wood Subdivisions would need to be addressed. The applicant proposes to extend Double Tree Lane to serve this development and has proffered that no lots will have sole access from Double Tree Lane, eliminating the need to address compatibility as it applies to this road (Proffered Condition 7.c). The applicant is requesting relief to preclude connection to Newbys

Wood Trail, Land Grant Drive and Barefoot Trail, and to permit a maximum of one (1) lot to access Quail Ridge Road, as discussed herein (Proffered Conditions 7.b and d.). Should this waiver be denied, the proffered conditions fail to address this compatibility issue should sole access to the proposed development be provided from these roads through these adjacent subdivisions.

To address concerns raised by residents in Falling Creek Farms and Gregory's Charter Subdivisions, Proffered Condition 7.a. precludes any potential direct access to these developments.

#### Dwelling Size and Foundation Treatment:

Proffered Conditions 14 and 15 address minimum dwelling size and foundation treatment.

#### Restrictive Covenants:

Recordation of restrictive covenants has been proffered. It should be noted that the County will only ensure the recordation of the covenants and will not be responsible for their enforcement. Once recorded, the covenants may be changed. (Proffered Condition 13)

#### Tree Preservation:

In response to concerns from area property owners, Proffered Condition 16 requires that where Tract A is adjacent to Newbys Wood, Falling Creek Farms and Gregory's Charter Subdivisions, trees of a certain caliper would be preserved. It has been staff's experience that individual homeowners tend to clear preservation areas included within the boundaries of individual lots. To preserve the integrity of this strip, Proffered Condition 16 should require that these areas be provided in open space.

#### Street Connectivity:

An exception to the "Residential Subdivision Connectivity Policy" is requested so as to preclude any road connections to Land Grant Drive, Newby's Wood Trail, Barefoot Trail and Quail Ridge Road. In addition to promoting fire and emergency services safety, subdivision road connections provide interconnectivity between residential developments, thereby reducing congestion along collector and arterial roads and providing a convenient and safe access to neighboring properties.

The "Policy" allows the Board, through the Commission's recommendation, to waive the requirement for streets in new subdivisions to connect to adjacent public streets that are designed as local streets, residential collectors and thoroughfare streets. Staff must evaluate this waiver based upon three (3) criteria: (1) there must be a sufficient number of other stub streets to adequately disperse traffic and not cause a concentrated use of any one (1) stub street; or (2) the connection to a particular stub will cause concentrated

traffic at that location; (3) the projected traffic volume on any one (1) local street within an existing subdivision exceeds 1,500 vehicle trips per day. Several of the streets within the adjacent Fernbrook and Falling Creek Farms Subdivisions were developed prior to the adoption of the Planning Commission's Stub Road Policy. As such, the traffic volume on some of these "lot-frontage" streets, such as Fordham Road, currently exceeds the 1,500 vehicles per day guideline established by the Policy. However, maintaining all available stub road connections could disperse the traffic generated by this proposed development and not put the traffic burden on particular stub road(s) in violation of the "Policy" standards.

Without additional design information relative to road layout, staff cannot determine if the criteria for granting such a waiver can be met. Therefore, it is recommended that consideration of this waiver be evaluated during the plans review process when more detail is available.

#### Construction Traffic:

Proffered Condition 6 limits construction traffic to Jacobs Road and Jacobs Road Extended, to include limitations during bussing hours for the adjacent Jacobs Elementary School. This proffered condition will be difficult, if not impossible, to enforce.

### CONCLUSIONS

While the Central Area Plan suggests the property is appropriate for residential use of 1.0 to 2.5 dwelling units per acre, this request application fails to address the traffic impact of this request on area roads, as discussed herein. Further, the land dedication component of the cash proffer potentially fails to adequately address the impacts on Parks and Recreational facilities.

A second access for more than fifty (50) lots promotes accessibility to and from the development in an emergency situation should one access be blocked. The application fails to identify any extenuating circumstances in accordance with the provision of the Subdivision Ordinance that prevents the provision of a second means of access.

The application fails to address connectivity per the Board's adopted "Residential Subdivision Connectivity Policy", as discussed herein. Evaluation of the Policy criteria for granting such relief necessitates design detail that can best be provided through the subdivision review process.

Given these considerations, denial of the rezoning (Request I) and denial of the relief to street access requirements and the waiver to connectivity (Requests II and III) is recommended.



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## CASE HISTORY

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### Planning Commission Meeting (11/16/06):

At the request of the applicant, the Commission deferred this case to February 20, 2007.

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### Staff (11/20/06):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than December 18, 2006, for consideration at the Commission's February 20, 2007, public hearing. Also, the applicant was advised that a \$250.00 deferral fee must be paid prior to the Commission's public hearing.

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### Staff (1/24/07):

To date, no new information has been submitted, nor has the \$250.00 deferral fee been paid.

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### Applicant (2/12/07):

The deferral fee was paid.

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### Planning Commission Meeting (2/20/07):

At the request of the applicant, the Commission deferred this case to April 17, 2007.

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### Staff (2/21/07):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than February 26, 2007, for consideration at the Commission's April 17, 2007, public hearing. Also, the applicant was advised that a \$250.00 deferral fee must be paid prior to the Commission's public hearing.

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### Staff (3/12/07):

To date, no new information has been submitted, nor has the \$250.00 deferral fee been paid.

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Applicant (4/11/07):

The deferral fee was paid.

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Planning Commission Meeting (4/17/07):

At the request of the applicant, the Commission deferred this case to June 19, 2007.

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Staff (4/18/07):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than April 23, 2007, for consideration at the Commission's June 2007, public hearing. In addition, the applicant was advised that a \$250.00 deferral fee must be paid prior to the Commission's public hearing.

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Applicant (5/7/07):

Amended proffered conditions were submitted.

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Area Residents, Applicant, Staff and Dale District Commissioner (5/10/07):

A meeting was held to discuss transportation impacts for this case. Discussion focused on the applicant's proposal to relieve traffic on Fordham Road by extending Jacobs Road from its western terminus to Courthouse Road as a collector road and severing the public road connection between Jacobs Road and Fordham Road. Concerns were expressed relative to the lack of connectivity between Fordham Road and Jacobs Road and its impact on Fernbrook Subdivision, emergency services and the elementary school; proximity of the new collector road in relation to existing subdivision developments; the condition of Newby's Bridge Road; construction traffic; and connectivity to Newby's Wood Subdivision.

A follow-up meeting was announced for May 31, 2007, to discuss other case-related issues.

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Staff (5/25/07):

Revised proffered conditions were submitted and the applicant was amended to include relief to street access requirements. To date, the deferral fee has not been paid.

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Area Residents, Applicant, Staff and Dale District Commissioner (5/31/07):

A meeting was held to discuss other case related issues. Concerns were expressed relative to dwelling unit types, drainage, access, and the phasing of the development and associated road improvements. It was indicated that the applicant would review comments from the community meetings prior to determining if additional meetings were warranted.

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Applicant (6/19/07):

The deferral fee was paid.

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Planning Commission Meeting (6/19/07):

At the request of the applicant, the Commission deferred this case to their August 21, 2007, meeting.

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Staff (6/20/07):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than June 25, 2007, for consideration at the Commission's August public hearing. The applicant was also advised that a \$250.00 deferral fee must be paid prior to the Commission's public hearing.

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Staff (8/1/07):

To date, no new information has been received, nor has the deferral fee been paid.

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Staff (8/20/07):

The deferral fee was paid.

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Planning Commission Meeting (8/21/07):

On their own motion, the Commission deferred this case to their October 16, 2007, meeting.

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Staff (8/22/07):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than August 27, 2007, for consideration at the Commission's October public hearing.

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Applicant (8/29/07, 9/27/07 and 9/28/07):

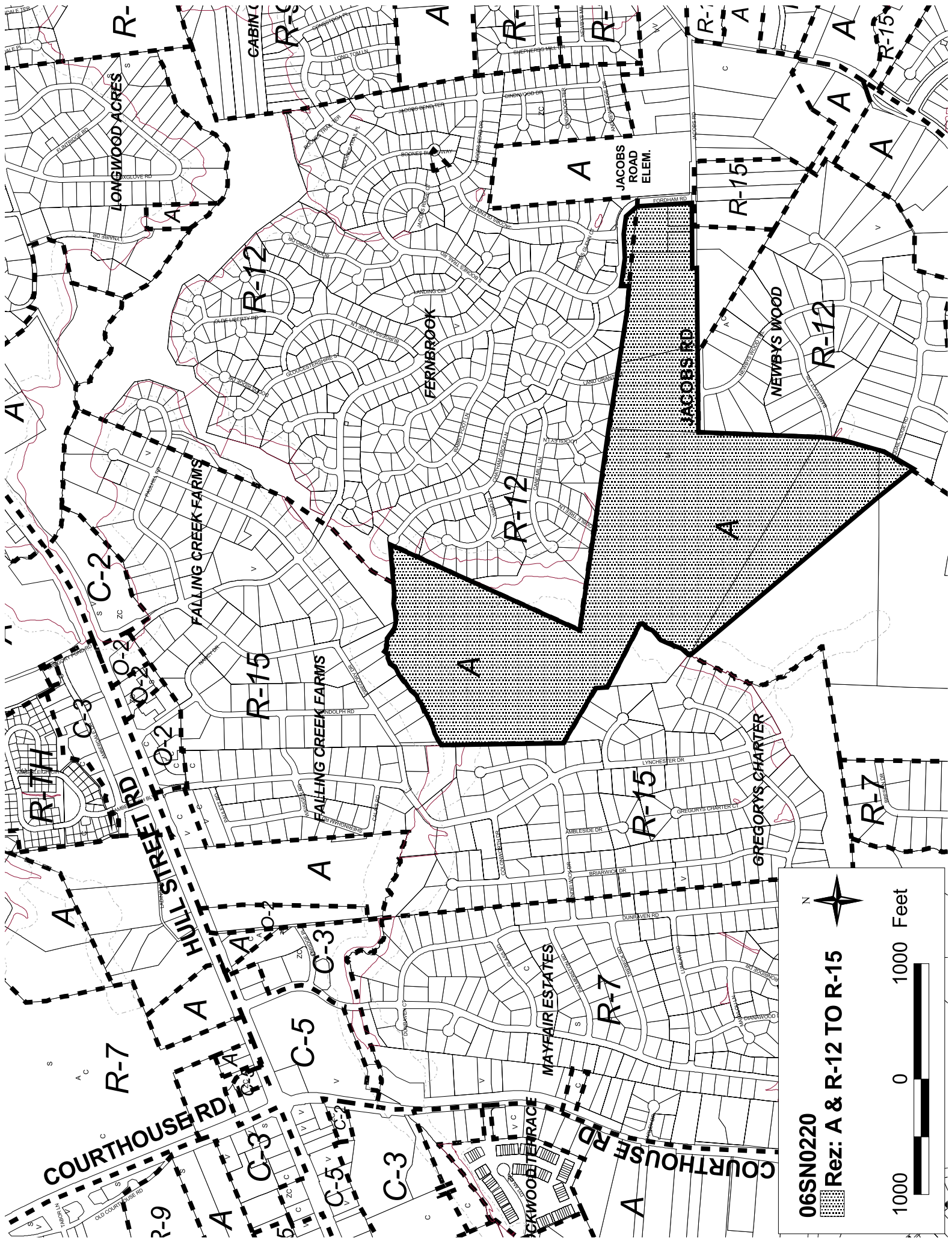
Revised proffered conditions were submitted.

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Applicant (10/2/07):

A waiver to the street connectivity policy was requested.

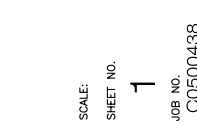
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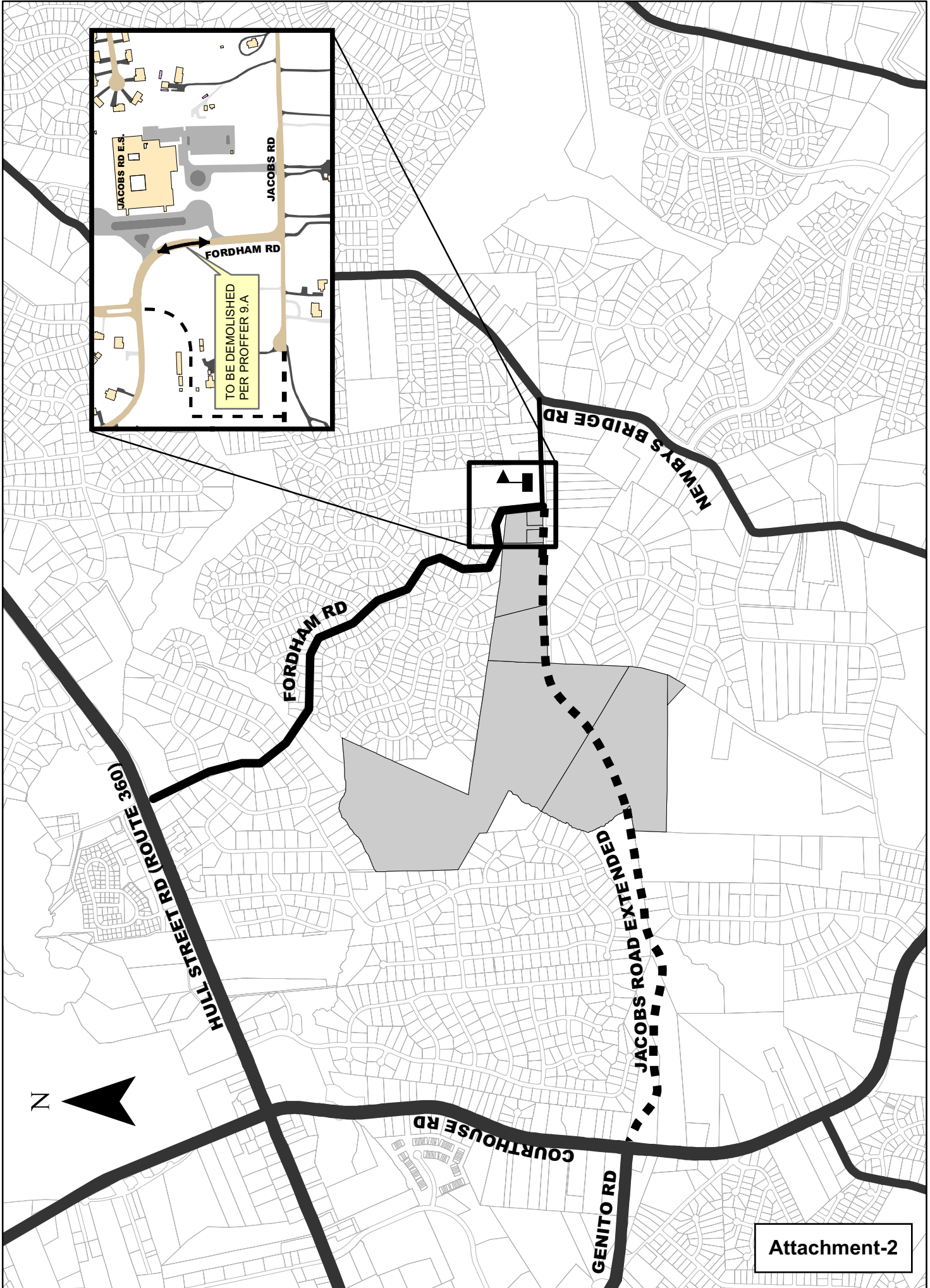


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